

May 23, 1940, by the Harrower Laboratories, Inc., from Glendale, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely: (Carton) "A 1 per cent solution of epinephrine hydrochloride"; (bottle) "Epinephrine Solution 1:100."

It was alleged to be misbranded in that the above-quoted statements were false and misleading as applied to an article which contained only 0.67 percent (1/150) of epinephrine hydrochloride.

On October 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

295. Adulteration and misbranding of solution of hydrogen peroxide. U. S. v. 23 Dozen Bottles of Hydrogen Peroxide. Default decree of condemnation and destruction. (F. D. C. No. 3535. Sample No. 6988-E.)

This product was labeled as a 3 percent solution of peroxide of hydrogen, but it contained only 1.9 grams, or less, of peroxide of hydrogen per 100 cc. The United States Pharmacopoeia requires that solution of peroxide of hydrogen shall contain at least 2.5 grams of peroxide of hydrogen per 100 cc.

On December 19, 1940, the United States attorney for the District of New Mexico filed a libel against 23 dozen bottles of solution of hydrogen peroxide at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 22, 1940, by the Southwest Products Co. from Lubbock, Tex.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its strength differed from and its quality and purity fell below the standard set forth therein.

It was alleged to be misbranded in that the statements on the label, "Hydrogen Peroxide U. S. P. * * * 3% * * * Active ingredients H_2O_2 3%," were false and misleading since it did not meet the specifications of the United States Pharmacopoeia for hydrogen peroxide and did not contain 3 percent hydrogen peroxide.

On January 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING THERAPEUTIC CLAIMS²

SCALP REMEDIES

296. Misbranding of L. B. Hair Oil. U. S. v. 14 $\frac{2}{3}$ Dozen Packages of L. B. Hair Oil. Default decree of condemnation and destruction. (F. D. C. No. 1043. Sample No. 70952-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Furthermore, its package was deceptive since the bottles were pinched down to approximately one-half size in the center, and therefore contained a much smaller volume of material than would be expected from the size of the carton.

On November 22, 1939, the United States attorney for the District of Utah filed a libel against 14 $\frac{2}{3}$ dozen packages of L. B. Hair Oil at Ogden, Utah, alleging that the article had been shipped in interstate commerce in part on or about September 18, 1939, by the L. B. Laboratories, Inc., from Hollywood, Calif., and in part by McKesson & Robbins, Inc., from Los Angeles, Calif. (the latter shipment made on or about August 21, 1939); and charging that it was misbranded.

Analysis showed that the article consisted essentially of mineral oil with small proportions of saponifiable oil and perfume.

It was alleged in the libel that the article was misbranded in that its labeling bore representations that it was a scalp conditioner, that it contained a balanced blend of rich animal oils and toning ingredients which would give life to the hair almost instantly; that it would aid in overcoming baldness, thin, and falling hair; that it contained animal oils of a very penetrating nature; that it was an "oil of life" for the hair; that it had cured baldness in its originator; that it was a blend of animal oils which would provide the vitalizing, nourishing, and restorative elements needed by the scalp to clear out clogging waste matter and dead tissue, and

² See also Nos. 278, 282, 283.

to restore normal functions and growth and produce beautiful healthy hair again in a short time, regardless of the present condition; that many bald for 18 or 20 years testified to a regrowth in approximately 2 years, and that those bald for a shorter time claimed even quicker results; that it was effective for infant scalp trouble; that it would be effective to eliminate granulated eye lids and stimulate new growth of lashes; that it was effective for sun or other burns and would prevent the formation of scar tissue and that its labeling also bore directions that in the treatment of baldness the scalp be steamed with hot towels, that as much of the product as the scalp would absorb be applied and patted in, that the scalp itself be moved with the fingers but that vigorous rubbing should be avoided, that the application should be repeated every night until results were obtained, and further directions that in the treatment for thin and falling hair, the hair should be parted and the product applied directly to the scalp, patting it in with the palm of the hand, that vigorous rubbing should be avoided; that if the hair continued to fall, less should be used since over application would tend to further loosen the hair, which representations and directions were false and misleading as applied to an article consisting essentially of mineral oil and saponifiable oils.

The article was also alleged to be misbranded under the provisions of the law applicable to cosmetics reported in C. N. J. No. 34.

On January 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

297. Misbranding of Odell's Quinine for the Hair. U. S. v. 140 Bottles of Odell's Quinine for the Hair. Default decree of condemnation and destruction. (F. D. C. No. 3609. Sample No. 24831-E.)

This product was represented to be a quinine preparation; whereas it contained no quinine. Its labeling also bore false and misleading representations regarding its efficacy as indicated below, and failed to bear the common and usual names of the active ingredients and a statement of the quantity or proportion of alcohol contained in the article.

On December 30, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 140 bottles of Odell's Quinine for the Hair at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by the Odell Company from Newark, N. J.; and charging that it was misbranded.

It was alleged to be misbranded in that the statements "Quinine * * * Stimulating * * * Essential to healthy hair" were false and misleading because they were incorrect. It was alleged to be misbranded further in that the label did not bear the common or usual names of the active ingredients and a statement of the quantity or proportion of alcohol that it contained.

The article was also alleged to be misbranded under the provisions of the law applicable to cosmetics, as reported in notices of judgment on cosmetics.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

298. Misbranding of Miracle Lotion. U. S. v. 81 Bottles of Miracle Lotion. Default decree of condemnation and destruction. (F. D. C. No. 3148. Sample No. 20860-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below, and it also failed to bear statements of the quantity of the contents and the common or usual name of the active ingredients.

On or about October 12, 1940, the United States attorney for the Southern District of Florida filed a libel against 81 bottles of Miracle Lotion at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by Martinsville Laboratories, Inc., from Martinsville, Va., and charging that it was misbranded.

Analysis showed that the article consisted essentially of isopropyl alcohol (60 percent by volume), salicylic acid, benzoic acid, water, perfume, and a green coloring material.

The article was alleged to be misbranded in that the following statements appearing on the label were false and misleading since they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: "For Scalp Diseases, Dandruff, Pimples, on the Scalp, * * * Falling Hair. * * * Skin diseases of the body, such as Itch, * * * Ring Worm, * * * Acid or Heat Pimples, * * * Sore Aching Joints or Muscles, etc."